



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: 

Amend Amendment No. \_\_\_\_ by Anchia to C.S.H.B. No. 1818  
(page 33, prefiled amendments packet) by striking the text of  
the amendment and substituting the following:

SECTION \_\_\_\_\_. (a) Subchapter C, Chapter 81, Natural  
Resources Code, is amended by adding Section 81.072 to read as  
follows:

Sec. 81.072. REQUIREMENTS REGARDING EMPLOYMENT OF PERSONS  
NOT LAWFULLY PRESENT; OFFENSE. (a) In this section:

(1) "Employ" means to agree or promise to provide  
compensation for labor or services rendered.

(2) "Person not lawfully present" means a person who,  
at the time of employment, is not:

(A) a citizen or national of the United States;  
or

(B) an alien who is lawfully admitted for  
permanent residence in the United States under the federal  
Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.)  
or authorized to be employed by that Act or the United States  
attorney general.

(b) The executive head of any private business entity that  
is issued a license, permit, certificate, or other authorization  
by the commission or that enters into a contract with the  
commission, including the executive head of any private business  
entity that is a subcontractor directly involved in the  
performance of a service to be performed under a contract with  
the commission, must attest, in the manner and on a form  
prescribed by the commission and accessible on the commission's  
Internet website, that the entity:

(1) uses due diligence to inquire regarding the

1 employment authorization status of each employee.

2       (2) does not currently and will not during the term  
3 of the authorization or contract, as applicable, employ any  
4 person not lawfully present.

5       (c) The attestation required by Subsection (b) must occur  
6 before the issuance of the authorization or execution of the  
7 contract, as applicable.

8       (d) If the commission discovers that a private business  
9 entity that has been issued a license, permit, certificate, or  
10 other authorization by, or with whom the commission contracts or  
11 the entity subcontracts, employs persons not lawfully present,  
12 the commission shall promptly refer the entity's executive head  
13 to the appropriate local law enforcement entity and to the  
14 United States Immigration and Customs Enforcement for proper  
15 enforcement.

16       (e) The commission shall publish on the commission's  
17 Internet website under the heading "Sanctuary Industries" the  
18 name of any private business entity found by the commission  
19 under Subsection (d) to employ persons not lawfully present.

20       (f) A person commits an offense if the person makes a  
21 false attestation under Subsection (b). An offense under this  
22 subsection is a Class A misdemeanor. Notwithstanding Section  
23 6.02(b), Penal Code, proof of a culpable mental state is not  
24 required for a conviction for an offense under this subsection.

25       (g) The commission shall adopt rules for the  
26 administration of this section.

27       (b) Notwithstanding any other provision of this Act, this  
28 section takes effect January 1, 2018.